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Southeastern Industrial Services Inc. d/b/a Bradley Steel, Inc. and Shopmen's Local Union No. 526 of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers (AFL-CIO), Petitioner. Case 10-RC-15285

June 30, 2004

DECISION ON REVIEW AND ORDER

BY CHAIRMAN BATTISTA AND MEMBERS LIEBMAN
AND SCHAUMBER

On May 14, 2002, the Regional Director issued a Decision and Order finding that the detailers and the purchasing agent/expediter must be included in the petitioned-for unit of production and maintenance employees. Because the Regional Director found that the Petitioner would not proceed to an election in a unit that included detailers and the purchasing agent/expediter, he dismissed the petition. Thereafter, in accordance with Section 102.67 of the National Labor Relations Board's Rules and Regulations, the Petitioner filed a timely request for review of the Regional Director's Decision and Order. The Employer filed an opposition to the request for review. By Order dated October 24, 2002, the Board granted the Petitioner's request for review.

The National Labor Relations Board has delegated its authority in this matter to a three-member panel.

Having carefully considered the entire record, we find, contrary to the Regional Director, that the detailers, including the purchasing agent/expediter, do not share such a substantial community of interest with the petitioned-for production and maintenance employees as to require their inclusion in the unit.

I. FACTS

The Employer fabricates and erects industrial steel at its Cleveland, Tennessee facility. The Employer receives architectural drawings and specifications from its clients. Detailers take these blueprints and specifications and generate drawings on computer-aided design machines in a format that the production workers can use to manufacture the ordered items. The production employees then fabricate the structural steel items, and the erection crew assembles the items in the field.

The detailers are not engineers, are not required to have an engineering and/or technical background, and receive on-the-job training, although two of the detailers have a background in drafting. In addition to using com-

puter-aided drafting machines, the detailers also use plotters and printers, and their completed drawings are submitted to the architect and structural engineer for final approval.

Detailers work in a separate area from the production employees. The Employer's building is partitioned into four production bays and the detailers' work area is adjacent to production bay four, separated by a partition wall. Detailers spend approximately 90 percent of their time in their own area performing specialized detailing functions, and approximately 5-15 percent of their time on the production floor communicating with "production employees." Although a production employee theoretically can consult directly with a detailer if the employee has a problem with a blueprint, production employee Schultz testified that in the 3 months that he had worked for the Employer, he had never spoken directly with a detailer regarding a problem. Rather, he brought any problems to his foreman, who then talked with the detailer.

One of the detailers, Jim Robinson, also acts as the Employer's purchasing agent/expediter. He purchases materials for the production process, ensuring that production employees have the necessary materials, and expediting the shipping of finished products from the production floor to the jobsites. Robinson is also involved in the purchasing and expediting of materials from outside vendors. When there are items that cannot be manufactured at the facility, Robinson will make additional sketches or redevelop drawings for the fabrication of these items by outside vendors. Robinson is also on the production floor more than the other detailers, spends more time talking with production employees about materials, and has work contact with production employees relating to the delivery of materials.

No production employees currently perform detailing work, and no detailer currently performs "physical work." Further, none of the production employees has performed Robinson's functions, although Robinson, who possesses a commercial driver's license, has occasionally performed truckdriving duties.

The detailers are hourly paid, and receive similar wage ranges and fringe benefits to the production employees, although Robinson receives approximately \$3 more per hour than the next highest paid detailer. Detailers are, however, separately supervised from the production employees. Also, they do not eat lunch or take breaks with the production employees, and they start work 1 hour later than production workers.

II. ANALYSIS

We find, based on the foregoing, that the detailers perform functions similar to those performed by draftsmen.

The Board traditionally excludes draftsmen from production and maintenance units where they are separately supervised, work in a separate location, and have minimal contact with such employees. See, e.g., *Container Research Corp.*, 188 NLRB 586 (1971); *Capital Temp-trol Corp.*, 243 NLRB 575 (1979). See also *Maryland Cup Corp.*, 171 NLRB 367 (1968). Here, the detailers spend the majority of their time performing specialized functions that are different from those performed by the production employees. They use different tools, work in an area separate from the production employees, and are separately supervised from the production employees. Further, they do not interchange with unit employees; production employees do not perform detailing work and detailers generally do not perform “physical work.” In addition, the majority of the detailers have only limited contact with the unit employees, and it appears that production employees bring problems to the foremen, who then resolve the problems with the detailers.

Thus, under these circumstances, we conclude, contrary to the Regional Director, that the detailers, including Robinson, do not share such a substantial community of interest with production employees as to require their inclusion in the unit.¹ See *Maryland Cup Corp.*; *Capitol Temp-trol*.

¹ Although Robinson has more regular contact with production employees than other detailers, he spends the majority of his time perform-

Accordingly, we reverse the Regional Director’s decision requiring the inclusion of the detailers and purchasing agent/expediter and remand this proceeding to the Regional Director for further appropriate action consistent with this decision.

Dated, Washington, D.C., June 30, 2004

Robert J. Battista,	Chairman
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Wilma B. Liebman,	Member
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Peter C. Schaumber,	Member
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ing distinct functions that are not performed by production employees; he shares supervision with the detailers; he is located in the same area as the detailers, which is separate from the production employees; and receives higher wages than the production employees. Under these circumstances, we find that Robinson, like the other detailers, does not share such a substantial community of interest with production employees as to require his inclusion in the unit.